

### REMARKS

Claims 1 – 3 remain in this application. Claim 1 has been amended.

In the Office Action, the Abstract was objected to as being of undue length. Applicant has amended the Abstract to limit the Abstract to the required range of 50 to 150 words.

Further, the disclosure was objected to because of the informality that U.S. Application No. 09/738,305 should be referenced as now being U.S. Patent No. 6,413,517. Applicant assumes that the reference in the Office Action stating that Application No. 09/738,305 is now U.S.P.N. 6,413,161 was a typographical error. Applicant has added this information in the appropriate location of the specification as requested by the Examiner. Further, Applicant has amended the Cross Reference to Related Application Section of the Specification to state that application no. 10/054,517 is now U.S.P.N. 6,796,889.

Further still, claims 1 – 3 were objected to because of an informality in lines 9 – 14 of claim 1. Applicant has therefore amended claim 1 such that the claim now reads that the annular frame is disposed between the suction housing and the backing pad. The annular frame is part of the sanding pad assembly.

Claim 1 has also been amended in the following manner. Claim 1 now reads that the sanding pad assembly is mounted to the radially off-set portion of the shaft and adapted for rotation therewith. Also, claim 1 now reads that the circular back wall extends generally radially inward from one of the circumferential edges of the annular ring.

Claims 1 and 3 were rejected under Section 102(b) as being anticipated by Huber (U.S. Patent No. 4,531,329). Specifically, the examiner stated that Huber discloses all of the limitations of claims 1 and 3. Applicant respectfully traverses this rejection. Huber discloses an exhaust shroud adapted for mounting on the casing of a sanding machine. In Huber, the shroud is attached to the side wall of the housing. Further, the shroud is in contact with the sanding member but is not attached to any part of the sanding member. Therefore, the shroud remains stationary while the sanding member rotates via the drive

shaft. In contrast, in the present invention, the annular frame is part of the sanding pad assembly. Further, the annular frame is attached to the backing pad. The entire sanding pad assembly, including the annular frame and the backing pad, being mounted to the rotatable shaft, rotates when the motor turns the shaft. Moreover, the present invention is different from Huber in that the sanding pad assembly of the present invention is mounted to a radially off-set portion of the rotatable drive shaft. For these reasons, Applicant asserts that the present invention is not anticipated by Huber and requests that the rejection based on Huber be withdrawn.

Claims 1 - 3 were rejected under Section 103(a) as being unpatentable over Courson et al. (U.S. Patent No. 5,609,516, hereinafter "Courson"). Applicant respectfully traverses this rejection. Courson discloses a rotating abrader with a polygonal pad and dust evacuation. Courson, however, does not teach or suggest a rotary sander including a motor having a rotatable shaft with a radially off-set portion as claimed in the present application. Further, Courson does not teach or suggest a sanding pad assembly mounted to the radially off-set portion of the shaft. Therefore, Courson does not teach or suggest the present invention. For these reasons, applicant asserts that the present invention is patentable over Courson and requests that the rejection based on Courson be withdrawn.

Applicant submits that the claimed invention clearly distinguishes over the cited references and should be found allowable.

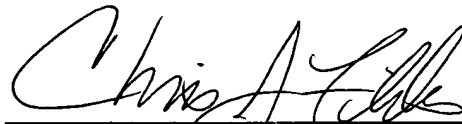
This amendment and request for reconsideration is felt to be fully responsive to the comments and suggestions of the examiner and to place this application in condition for allowance. Favorable action is requested.

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Respectfully submitted,

Miksa Marton

Fildes & Outland, P.C.

A handwritten signature in black ink, appearing to read "Chris J. Fildes", written over a horizontal line.

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